

David Seiter, Northridge High School  
NCSS Presentation  
November 15, 2003 Chicago, Illinois.

## **SYRACUSE TOWN MEETING ON FUGITIVE SLAVE LAW**

### **A. The Situation**

It is October, 1851, and Syracuse is divided in its response to the Fugitive Slave Law. There are visitors from the South in Syracuse along with Northern Abolitionists. It is rumored that escaped slaves are in the town. The sheriff has just come to the town meeting to deputize each citizen (as is his right) to help capture these people and return them to slavery.

You will meet to decide whether you should follow the fugitive slave law or not or help the slaves escape.

### **B. The Product: What you have to present at the Syracuse Town Meeting.**

You will have *2-3 minutes* to explain to the rest of the people:

1. What your position is on whether to obey the law or not
2. A description of what you think should happen
3. The **reasons** why you think the way you do
4. Any information, facts, or evidence that supports your position
5. Specific response to at least one other person at the meeting

### **C. Assessment and Grading**

For this exercise we will focus on how well you

1. Analyze cause and effect
2. Give specific examples to back your position
3. View or cite different perspectives while presenting your case
4. Submit your preparation questions for the meeting

### **D. The Process: How to prepare for the meeting.**

Please answer the following and bring to class with you.

1. Look at all the possible positive and negative effects of ignoring the Fugitive Slave Law and helping "fugitive slaves" escape and briefly answer a and b.
  - a. What would be the long term effects?
  - b. What would be short term effects?

2. Look at different people's perspectives. How will different people be affected by the law or in the escape attempts? Write two to three sentences about one other person's perspective on ignoring the law or helping people escape.

3. Look at your own perspective. In your role, how will you specifically be affected by ignoring the law and/or helping people escape?

Write one or two paragraphs on the following questions:

- a. What your personal reasons for your position?
- b. Do you have a social interest whether to invade or not?
- c. What are your ideas about government, about freedom?

4. Decide your position. Write two paragraphs on the following questions:

- a. Should the people of Syracuse ignore the Fugitive Slave Law?
- b. Should the people of Syracuse help "fugitive slaves" escape?

5. Submit a bibliography of the sources you used.

### **People at the Syracuse Meeting (You're one of them)**

1. *Patty Pacifist*: She believes that militant action is the wrong approach to take. Other methods are preferable.
2. *Arnold Abolitionist*: Firm white northern preacher who is adamantly opposed to slavery.
3. *Larry Legislator*: New York Congressman who voted in favor of the Fugitive Slave Law
4. *Sydney Senatorius*: New York Senator who voted against the Fugitive Slave Act
5. *Howie Harvard*: University law professor in town for a conference. He sides with the law.
6. *Calvin Cooper*: A 40 year-old "escaped slave" who has lived and worked in Syracuse for the past two years.
7. *Southern Sarah*: A southern slave owner who is visiting her cousin. She believes in the slave system.
8. *Mary Mercy*: A southern wife of a slave owner who opposes slavery. She is in Syracuse with her husband Mark Mercy looking for an escaped slave.
9. *Mark Mercy*: Southern slave owner who can't understand why his wife is opposed to slavery. He is in Syracuse looking for an escaped slave.
10. *Paul Preacher*: A free black northern minister who is in town to conduct a revival meeting.
11. *Sabine Sharif*: The sheriff of Syracuse who is sworn to uphold the law.
12. *Deputy Dave*: Sharif's deputy who realizes he is sworn to uphold the law but is personally opposed to the Fugitive Slave Law.
13. *Louis Law*: A prominent Syracuse lawyer who argues for obedience to the law.
14. *Samuel Sane*: The Syracuse Unitarian minister who is active in the abolition, women's rights, temperance movement, and education reforms.

15. *Barry Bold*: The largest store owner in Syracuse. He is worried that all the attention paid to the “escaped slaves” will hurt his business.
16. *Radon Reader*: Teacher at the Syracuse School (grades 1-8). She is not sure how to react to the law.
17. *Bobby Bounty*: Travels the north looking for escaped slaves. He is in it purely for the money
18. *Albert Agrarius*: One of several local farmers who is not sure whether to obey the law or not. He is currently leaning to disobey the law.
19. *Herbert Heffer*: Owns a large dairy farm. Attends the Unitarian church but is not convinced that the law is bad. Is still undecided as whether to be deputized or not.
20. *Elenor Egbask*: Widow mother of five that supports her children by having a small chicken ranch. She is civic minded but is not sure on whether to obey the law or not.
21. *Dapper Dan*: Owns the local haberdashery and clothing store. He is undecided but is leaning toward obeying the law.
22. *Theodore Throw*: Local writer who firmly believes that civil disobedience is the only way to confront the issue.
23. *Charlie Constraint*: Believes that it is un-American no to obey the law.
24. *Doris Domestic*: Married for five years and has two children. Is currently undecided.
25. *Paul Press*: Publisher of the *Syracuse Sentinel*. Adamantly opposes the law.
26. *Ned Newsworthy*: Publisher of the *Syracuse Standard* who is strongly in favor of the law.
27. *Fred Flight*: A recently escaped slave from Mark Mercy’s plantation.
28. *Rita Rite*: Local women’s rights activist.
29. *Wayne Widget*: Owns Syracuse’s largest factory. Has hired free blacks in the past but is worried about the effect on his production. Wayne is undecided as to follow or not.
30. *Sensible Solomon*: One of the elder’s of Syracuse and is looking for a compromise to the situation.

### **Summary of Compromise of 1850**

Henry Clay proposed a series of seven resolutions that carefully balanced the interests of the North and South. They were as follows:

1. California should be admitted as a free state.
2. Utah should be separated from New Mexico, and the two territories should be allowed to decide for themselves whether to have slavery or not.
3. The disputed land between Texas and New Mexico should be assigned to New Mexico
4. The United States should pay the debts that Texas had incurred before annexation
5. Slavery should not be abolished in the District of Columbia without the consent of its residents and the surrounding state of Maryland, and then only if the owners were paid for their slaves.
6. Slave trading (but not slavery) should be banned in the District of Columbia
7. A stricter fugitive slave law should be adopted.

Source: Jordan, Winthrop D. *The Americans: A History* Evanston, IL: McDougal, Little and Company, 1994.

## **B. THE COMPROMISE DEBATES OF 1850**

### **1. Calhoun Demands Southern Rights (1850)**

Two burning questions brought the sectional controversy to a furious boil in 1850. The first was the failure of Northerners loyally to uphold both the Constitution and the Fugitive Slave Law of 1793 regarding runaway slaves. The second was the effort of California to win admission as a free state, thus establishing a precedent for the rest of the Mexican Cession Territory. The subsequent debate over the compromise measures of 1850 featured a galaxy of forensic giants: Henry Clay, John C. Calhoun, Daniel Webster, Thomas H. Benton, William H. Seward, Stephen A. Douglas, Jefferson Davis, and many others. Highly revealing was the following swan-song speech of Senator Calhoun. On the verge of death from tuberculosis, he authorized a colleague to read it for him. Note his views on the Constitution, the Union, and secession; how successfully he placed the onus of insincerity and aggression on the North; and how practicable his remedies for preserving the Union were.

...How can the Union be saved? To this I answer, there is but one way by which it can be, and that is by adopting such measures as will satisfy the states belonging to the Southern section that they can remain in the Union consistently with their honor and their safety. There is, again, only one way by which this can be affected, and that is by removing the causes by which this belief [that the South cannot honorably and safely remain in the Union] has been produced. Do that and discontent will cease, harmony and kind feelings between the sections be restored, and every apprehension of danger to the Union removed. The question, then, is, by what can this be done? But, before I undertake to answer this question, I propose to show by what the Union cannot be saved.

It cannot, then, be saved by eulogies on the Union, however splendid or numerous. The cry of "Union, Union, the glorious Union!" can no more prevent disunion than the cry of "Health, Health, glorious Health!" on the part of the physician can save a patient lying dangerously ill. So long as the Union, instead of being regarded as a protector, is regarded in the opposite character by no much less than a majority of the states, it will be in vain to attempt to conciliate them by pronouncing eulogies on it.

Besides, this cry of Union comes commonly from those whom we cannot believe to be sincere. It usually comes from our assailants. But we cannot believe them to be sincere; for, if they loved the Union, they would necessarily be devoted to the Constitution. It made the Union, and to destroy the Constitution would be to destroy the Union. But the only reliable and certain evidence of devotion to the Constitution is to abstain, on the one hand, from violating it, and to repel, on the other, all attempts to violate it. It is only by faithfully performing these high duties that the Constitution can be preserved, and with it the Union...

Having now shown what cannot save the Union, I return to the question, with which I commenced, How can the Union be saved? There is but one way by which it can, with any certainty; and that is by a full and final settlement, on the principle of justice, of all the questions at issue between the two sections.

The South asks for justice, simple justice, and less she ought no to take. She has no compromise to offer but the Constitution; and no concession or surrender to make. She has already surrendered so much that she has little left to surrender. Such a settlement would go to the root of the evil, and remove all cause of discontent by satisfying the South she could remain honorably and safely in the Union, and thereby restore the harmony and fraternal feelings between the sections which existed anterior to the Missouri [Compromise] agitation [1820]. Nothing else can, with any certainty, finally and forever settle the questions at issue, terminate agitation, and save the Union.

But can this be done? Yes, easily; not by the weaker party [the South], for it can of itself do nothing – not even protect itself – but by the stronger. The North has only to will it to accomplish it – to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled – to cease the agitation of the slave question, and to provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South, in substance, the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this government. There will be no difficulty in devising such a provision – one that will protect the South, and which, at the same time, will improve and strengthen the government instead of impairing and weakening it.

But will the North agree to this? It is for her to answer the question. But, I will say, she cannot refuse if she has half the love of the Union, which she professes to have, or without justly exposing herself to the charge that her love of power and aggrandizement is far greater than her love of the Union.

At all events, the responsibility of saving the Union rests on the North, and not the South. The South cannot save it by any act of hers, and the North may save it without any sacrifice whatever, unless to do justice, and to perform her duties under the Constitution, should be regarded by her as a sacrifice...

If you, who represent the stronger portion, cannot agree to settle... [the question at issue] on the broad principle of justice and duty, say so; and let the states we both represent agree to separate and part in peace. If you are unwilling we should part in peace, tell us so; and we shall know what to do, when you reduce the question to submission or resistance.

If you remain silent, you will compel us to infer by your acts what you intend. In that case, California will become the test question. If you admit her, under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us from the whole of the acquired territories, with the intention of destroying,

irretrievably, the equilibrium between the two sections. We would be blind not to perceive, in that case, that your real objects are power and aggrandizement, and infatuated not to act accordingly.

## 2. Webster Urges Concessions (1850)

On the anvil of Congressional debate was forged the great Compromise of 1850. California was admitted as a free state; the fate of slavery in the rest of the Mexican Cession territory was left to the inhabitants. The major sop to the South was the enactment of a more stringent Fugitive Slave Law. As a concession to the North, slave trade was abolished in the District of Columbia; as a concession to the South, slavery in the District was retained. Texas received \$10,000,000 for yielding a disputed chunk of her territory to New Mexico.

Senator Daniel Webster's Seventh of March speech during these Congressional debates was distinguished by its emphasis on concession, compromise, moderation, and Union. He attacked the abolitionists (see earlier, p. 366) and deplored the agitation over the extension of slavery to the territories. A slave economy was geographically impossible there, he felt, and no legislative body should re-enact the law of God. Finally, he took sharp issue with Calhoun's threat of secession. Determine how good a prophet Webster was, and which of his arguments as to the impracticability of peaceful secession probably carried most weight in the North.

Mr. President, I wish to speak today, not as a Massachusetts man, or as a Northern man, but as an American, and a member of the Senate of the United States... I speak today for the preservation of the Union. "Hear me for my cause." ...

Mr. President, I should much prefer to have heard, from every member on this floor, declarations of opinion that this Union should never be dissolved, than the declaration of opinion that in any case, under the pressure of circumstances, such a dissolution was possible. I hear with pain, and anguish, and distress, the word *secession*, especially when it falls from the lips of those who are eminently patriotic, and known to the country, and known all over the world, for their political services.

Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish – I beg everybody's pardon – as to expect to see any such thing?...

There can be no such thing as a peaceable secession. Peaceable secession is an utter impossibility. Is the great Constitution under which we lie here – covering this whole country – is it to be thawed and melted away by secession, as the snows on the mountain melt under the influence of a vernal sun – disappear almost unobserved, and die off? No sir! No, sir! No, sir! I will not state what might produce the disruption of the states; but, sir, I see it as plainly as I see the sun in heaven – I see that disruption must produce such a war as I will not describe, in its twofold characters.

Peaceable secession! Peaceable secession! The concurrent agreement of all the members of this great Republic to separate! A voluntary separation, with alimony on one side and on the other! Why, what would be the result? Where is the line to be drawn? What states are to secede? – What is to remain American? What am I to be? – An

American no longer? Where is the flag of the Republic to remain? Where is the eagle still to tower? Or is he to cower, and shrink, and fall to the ground?...

What is to become of the army? What is to become of the navy? What is to become of the public lands? How is each of the thirty states to defend itself? I know, although the idea has not been stated distinctly, there is to be a Southern Confederacy. I do not mean, when I allude to this statement, that anyone seriously contemplates such a state of things. I do not mean to say that it is true, but I have heard it suggested elsewhere, that that idea has originated in a design to separate. I am sorry, sir, that it has ever been thought of, talked of, or dreamed of, in the wildest flights of human imagination. But the idea must be of a separation, including the slave states upon one side and the free states on the other.

Sir, there is not – I may express myself too strongly perhaps – but some things, some moral things, are almost as impossible as other natural or physical things. And I hold the idea of a separation of these states – those that are free to form one government and those that are slaveholding to form another – as a moral impossibility.

We could not separate the states by any such line, if we were to draw it. We could not sit down here today and draw a line of separation that would satisfy any five men in the country. There are natural causes that would keep and tie us together, and there are social and domestic relations which we could not break if we could, and which we should not if we could...

And now, Mr. President, instead of speaking of the possibility or utility of secession... let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destiny. Let us not be pigmies in a case that calls for men.

Never did there devolve on any generation of men higher trusts than now devolve upon us for the preservation of this Constitution and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest and brightest links in that golden chain, which is destined, I fully believe, to grapple the people of all the states to this Constitution for ages to come.

SUPPLEMENT: text of the Fugitive Slave Law

William Macdonald, Documentary Source Book of American History, 1606-1913  
New York: MacMillan Co. 1917.

### **Compromise of 1850**

#### **No. 106 Fugitive Slave Act**

**September 18, 1850**

*An Act to amend, and supplementary to, the Act entitled "An Act respecting Fugitives from Justice, and Persons escaping from the Service of their Masters," approved... [February 12, 1972]*

[Sections 1-4 relate to the appointment of commissioners, having concurrent jurisdiction with the judges of the circuit and district courts of the United States, and the superior courts of the territories, to perform the duties specified in the act.]

SEC. 5. *And it be further enacted*, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant, or other process, when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of such claimant, on the motion of such claimant, by the Circuit or District Court for the district of such marshal; and after an arrest of such fugitive, by such marshal or his deputy, or whilst at any time in his custody under the provisions of this act, should such fugitive escape, whether with or without the assent of such marshal or his deputy, such marshal shall be liable, on his official bond, to be prosecuted for the benefit of such claimant, for the full value of the service or labor of said fugitive in the State, Territory, or District whence he escaped: and the better to enable the said commissioners, when thus appointed, to execute their duties faithfully and efficiently, in conformity with the requirements of the Constitution of the United States and of this act, they are hereby authorized and empowered within their counties respectively, to appoint, in writing under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; with authority to such commissioners, or the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders, or *posse comitatus* of the proper county,

when necessary to ensure a faithful observance of this clause of the Constitution referred to, in conformity with the provisions of this act; and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid, for that purpose; and said warrants shall run, and be executed by said officers, anywhere in the State within which they are issued.

### **Summary of the Fugitive Slave Law**

The fugitive slave law passed by the U.S. Congress in 1850 was an amendment and supplement to an earlier congressional act: "An Act respecting Fugitives from Justice, and Persons escaping from the Service of their Masters" (1793)

Major provisions of the act include the following:

I. The Superior Court of each Territory of the United States was given the power to appoint commissioners who were responsible for reclaiming and returning fugitive slaves to their masters.

II. Court officials were not paid a flat rate, but according to their decisions: \$10 when the judge returned the slave to the man or woman who claimed to be his or her owner, \$5 when the judge decided that there was insufficient proof to do so.

III. Any court commissioner of the United States who refused to accept such a commission could be fined \$1000. If a fugitive escaped from the non-consenting commissioner, he would additionally be fined for the market value of the slave.

IV. Commissioners were authorized to appoint citizens as their deputies to capture fugitive slaves. As the act puts it, "all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of the law."

V. Persons who claimed that the "fugitive from service" owed labor to him or her could do so simply by so stating to a court commissioner.

VI. "In no trial or hearing under this act shall the testimony of the alleged fugitive be admitted as evidence." The accused had no right to trial by jury.

VII. Any person who knowingly hindered the arrest of a fugitive was so fined no more than \$1000 and jailed for six months.

### **Rev. Jermain Loguen's Argument Against Self-Purchase**

Five days after the passage of the Fugitive Slave Law, African Americans in Syracuse, N.Y. met to discuss what to do. They vowed to defend themselves and appointed a vigilance committee to insure their safety. They also called for a nonpartisan meeting to be held in City Hall. At this interracial meeting, a call was made to declare Syracuse an open city, meaning that no fugitives in Syracuse would be returned to slavery. Rev. Jermain Loguen, a fugitive slave from Tennessee who had been living in Syracuse for several years, spoke to the gathered crowd to convince them of the rightness of such action. The entire speech is found in The Rev. J.W. Loguen, as a Slave and as a Freeman: A Narrative of Real Life Negro Universities Press, 1968 pp.391-394. In this speech, he answers the question of why he refuses the option of buying his freedom and safety.

Mr. President, long ago I was beset by over prudent and good men and women to purchase my freedom. Nay, I was frequently importuned to consent that they purchase it, and present it as an evidence of their partiality to my person and character. Generous and kind as those friends were, my heart recoiled from the proposal. I owe my freedom to the God who made me, and who stirred me to claim it against all other beings in God's universe. I will not, nor will I consent, that any body else countenance the claims of a vulgar despot to my soul and body. Were I in chains, and did these kind people come to buy me out of prison, I would acknowledge the boon with inexpressible thankfulness. But I feel no chains, and am in no prison. I received my freedom from Heaven and with it came the command to defend my title to it. I have long since resolved to do nothing and suffer nothing that can, in any way, imply that I am indebted to any power but the Almighty for my manhood and personality.

Now you are assembled here, the strength of this city is here to express their sense of this fugitive act and to proclaim to the despots at Washington whether it shall be enforced here – whether you will permit the government to return me and other fugitives who have sought an asylum among you, to the Hell of slavery. The question is with you... “Whatever may be your decision, my ground is taken. I have declared it everywhere. It is known over the State and out of the State – over the line in the North, and over the line in the South. I don't respect this law – I don't fear it – I won't obey it! It outlaws me and I outlaw it, and the men who attempt to enforce it on me. I place the governmental officials on the ground that they place me. I will not live a slave and if force is

employed to re-enslave me, I shall make preparations to meet the crisis as becomes a man.

### **Frederick Douglass's Justification for Self-Purchase**

In 1846, English friends of Frederick Douglass purchased him from his master, Thomas Auld, granting Douglass legal emancipation. An abolitionist, Henry Wright objected, arguing that buying one's freedom helped validate the principle that people could indeed be treated as property. The following excerpts are from Douglass' reply, December 22, 1846, which was reprinted in The Liberator January 29, 1847.

The principle which you appear to regard as violated by the transaction in question, may be stated as follows: Every man has a natural and inalienable right to himself. The inference from this is, "that man cannot hold property in man" and as man cannot hold property in man, neither can [Thomas} Auld nor the United States have any right of property in me – and, having no right to sell me, no one has a right to buy me... Now the question upon which you condemn, really violate this principle? ... It would have been a violation of that principle, had those who purchased me done so, to make me a slave, instead of a freeman. Secondly, it would have been a violation of that principle had those who purchased me done so with a view to compensate the slaveholder, for what he and they regarded as his rightful property. In neither of these ways was my purchase effected ... It was not to compensate the slaveholder, but to release me from his power: not to establish my natural right to freedom, but to release me from all legal liabilities to slavery ... The error of those, who condemn this transaction, consists in their confounding the crime of buying men into slavery with the meritorious act of buying men out of slavery, and the purchase of legal freedom with abstract right and natural freedom ... Rather than be subjects to [Thomas Auld's] will, I have submitted to be robbed, or allowed my friends to be robbed, of seven hundred and fifty dollars.

Choices have consequences. Frederick Douglass, who as a freeman had less to fear from the fugitive slave law than Jermain Loguen, spent the 1850's publishing a newspaper, The Frederick Douglass Paper which aggressively attacked the law and all forms of tyranny and injustice against African Americans. Jermain Loguen, on the other hand, participated in the Jerry rescue in Syracuse, and knowing that a warrant was out for his arrest, fled to Canada for a year and a half. He wrote to N.Y. Governor Hunt asking for assurance that he be tried only for participating in the Jerry rescue and not as a fugitive slave. He received no such assurance, but returned to Syracuse in 1852 where he continued to use his home as a well advertised station of the Underground Railroad. As late as 1860, he received a letter from his old mistress demanding \$1000 payment for

himself. He indignantly refused and nothing more came of the issue, but it was not until the passage of the 13<sup>th</sup> amendment in 1865 that Loguen could live completely free from the fear of prosecution under the fugitive slave law.

### **Argument for Obedience to Federal Laws**

This argument was made by Harvey Baldwin, a prominent lawyer who practiced in Syracuse, New York. It appeared in the Syracuse Standard on Oct 30, 1851, shortly after the successful rescue of a fugitive slave named Jerry in his home town of Syracuse, and became part of a petition signed by over 700 citizens protesting the actions of those who forcibly rescued Jerry from U.S. Marshall. His argument can be given succinctly:

Citizens owe allegiance to the government and in return the government is bound to give protection and security to its citizens... If there be one government which more than any other should command the respect and obedience of its citizens --that government is our own for it is one which we have all had an agency in creating. Therefore, if one disagrees with the lay, one should use the legal avenues for redress to modify or repeal it, but open resistance is never permissible.

## **Argument for Disobedience to the Fugitive Slave Law**

This argument, known as the “higher law defense,” was made by Rev. Samuel May, a Unitarian minister in Syracuse, New York who was active in abolition, women’s rights, temperance, and education reform movements. His twenty-eight page speech, given October 14, 1851, was specially printed by Agan and Summers, printers at the Syracuse Standard office and is available at the Onondaga Historical Association, Syracuse, New York. Excerpts follow. (Some may want to use just the last paragraph in class.)

We have not come here to array ourselves against the government of our country, but to denounce a most tyrannous act of our government... [The fugitive slave law]

The first and greatest of all commandments is, “Thou shalt love the Lord thy God with all thy heart, and with all thy mind and with all thy strength. And the second is like unto it Thou shalt love thy neighbor as thyself.” On these two commandments hang, from them depend – that is with them must be consistent all laws, which should have or can have any binding obligation upon the consciences of good men. Only such laws as may be deduced from these commandments have any divine authority.

Let me here add, that the obligation to obey these commandments, does not rest merely upon the authority of him, in whose words we have received them; so that they are not exempt who deny Christ... The obligation to conform to them arose then, and of Jesus Christ was the best expounder – a constitution not written upon parchment, but upon the living tables of the human heart; a constitution of course much more ancient and venerable, sacred than any, which men have devised for national purposes. We are not therefore to wait until the civil government, under which we live, shall see fit to re-enact these laws before we acknowledge our obligations to obey them. Individuals generally have to precede nations in their conformity to God’s will, often through much persecution and suffering ... To compel any man to do wrong, is to compel him to set his own moral nature at naught, which is to do himself the greatest harm.

Nevertheless it has been assumed by many, and since September 1850 has been stoutly maintained by some from whom we should have expected better things, that a law of the land although it be contrary to these two great commandments, although it require of us most unrighteous and cruel acts towards our neighbors, and although Congress may be very censurable for enacting it, ought to be obeyed, because it is the law; and because if we do not obey it, the authority of our rulers will be stricken down, and our civil fabric fall

to pieces. It seems to me that all this is predicated upon a false assumption of the true province of law; an erroneous view of the source of governmental powers; and of the extent of each individual's obligations to the kingdom or state in which he may happen to live.

Mistakes on these points are unpardonable in the prominent men of our country, because the truth on these points was seen so clearly and declared so emphatically by the venerated fathers of our civil institutions... "That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed." Men were not made that they may be the subjects of an oppressive political compact called a Republic, any more than they were made to be the creatures of a despot. Men were not made for governments, but governments were made for men.

...It matters no how large the majority may be in its favor, if the enactment be designed and adapted to deprive one man of his unalienable rights, the blessing of life, liberty and the pursuit of happiness, it cannot become a legitimate law, a law that should lay any binding obligation upon the consciences of good men... An oppressive cruel law can derive no just power from the consent of the governed... Granting that we owe to our government all that is alleged – it demands too much in return, when it requires that we shall set God's law at naught, and trample upon our common humanity.

Then say some, leave the country and escape from your obligation, by going beyond the reach of the power which oppresses you. But, I reply, we shall not be likely to better our condition. Other forms of wrong and tyranny might meet us, wheresoever we may go, that we should be equally bound to withstand. Besides we owe our country, which, with all her faults, we dearly love, we owe our country something more and better than desertion, in this hour of her utmost trial. Never have the principles, on which the civil institutions of our country were founded, been put to so severe a test, as at this day...

The followers of the expedient rather than of the right would fain make it appear that our opposition to this law tends to the subversion of all law. We know better, and so do they. The only claim which a law can have to our respect and obedience is its justice... If it subject us only to pecuniary loss, or to inconvenience, we may, for the sake of peace, we ought to submit to it. But when it requires us, as this law does, to inflict the greatest injury upon others, we are not at liberty to obey. We are bound by our obligation to God and man to set the law at naught; and then patiently take the consequences which cannot be so bad to ourselves or to our country as would be the consequences of our acquiescence in this tremendous wickedness. Disobedience to unjust laws, so far from subverting, tends directly to establish law, by honoring the only true source of its claims. The only real upholder of law, is he, who strenuously opposes unjust laws. He who blindly and passively obeys all laws, right or wrong, merciful or cruel, is not the friend of law, but of arbitrary rule and tyranny.

### **Free Soldiers Denounce Webster (1850)**

The new and more merciless Fugitive Slave Act of 1850 was the keystone of the Compromise of 1850, and Senator Webster's eloquent support of it scandalized the abolitionists. "The fame of Webster ends in this nasty law," wrote Ralph Waldo Emerson. But conservative-minded Northerners were well aware, as Emerson himself had recorded, that "Cotton thread holds the Union together." Bankers, shippers, and manufacturers – holding Southern mortgages, transporting cotton, or using it in their factories – praised Webster's course as statesmanlike. Verily, the abolitionists cried, the "Lords of the Loom" were joining hands with the "Lords of the Lash." A New Hampshire newspaper editor here assails the New England "cotton lords." Judging from this criticism, what were the political reactions to Webster's stand?

Some eight hundred of the "cotton lords" of State Street [Boston], with a few ... Doctors of Divinity... of the Andover Theological Seminary, have signed a letter of thanks to Daniel Webster for his recent apostasy to freedom.

This was to be expected. There are, and always have been, men at the North whose habits, associations, and interests all lead them to love whatever degrades labor, and the man who lives by labor. Wherever Mammon is the great god, there flourishes the spirit of slavery. Wealth and luxury are ever the handmaids of oppression. The fastness of liberty have always been in the homes of the untitled masses. And hence the antagonism between capital and labor, which marks so strongly the modern civilization.

In thanking Mr. Webster for his efforts in behalf of slavery, the "cotton" men of Boston are but signing a certificate of his servility to themselves. No such certificate, however, will commend him to the people of New England, nor of Massachusetts. Instead, it will have the very opposite effect. It is already doing a work far different from that intended.

The honest anti-slavery masses, upon whom Webster has heretofore relied, see at once that it cannot be for any good thing done for freedom and humanity that such men praise him. To the representative of freemen, the "well done" of the enemies of freedom is the breath of infamy. That "well done" Daniel Webster has received, not only from the "cotton lords" of Massachusetts, but from the prince of cotton lords [Calhoun?] of South Carolina. He is doomed, withered, blasted; and the "thanks" of all the worshippers of Mammon and Wrong in the universe cannot save him.

*[Southerners, as indicated, were generally pleased by the unexpected show of fairness from the Yankee Webster, but their praise was a political kiss of death to the Senator. The Richmond Enquirer remarked that the Massachusetts abolitionists – "the*

*miserable peddlers for notoriety” – would “defame and abuse him.” It further stated that his “selfish and penurious constituency” – “the moneyed men and manufacturers of New England” – were finally “aroused to the dangers that threaten the Union and their interests...” (Quoted in The Liberator, April 5, 1850)]*

## **Reactions to the Fugitive Slave Law**

### **Giddings rejects Slave Catching (1850)**

If the South had a grievance against the Northern abettors of runaway slaves, the North had a grievance against the harsh Fugitive Slave Act of 1850. No single irritant of the 1850's proved to be more persistently galling. Among the numerous features of the law, federal officers could summon bystanders to form a posse to chase the fugitive. Citizens who prevented an arrest or aided the escapee were liable to six months' imprisonment and a fine of \$1000. Few men were more deeply outraged by these stipulations than fiery Joshua R. Giddings, who served for twenty years as an uncompromising anti-slavery Congressman from Ohio. In his speech in Congress against the Fugitive Slave Act, note the parts that seem to be most grossly overdrawn; the parts most offensive to the South; the part that most strongly foreshadowed a dissolution of the Union. Does the accessory-to-murder analogy hold water?

Sir, what protection does this law lend to the poor, weak, oppressed, degraded slave, whose flesh has often quivered under the lash of his inhuman owner? Whose youth has been spent in labor for another? Whose intellect has been nearly blotted out? When he seeks an asylum in a land of freedom, this worse than barbarous law sends the officers of government to chase him down. The people are constrained to become his pursuers. Famishing, fainting, and benumbed with the cold, he drags his weary limbs forward, while the whole power of the government under the President's command, the army and navy, and all the freemen of the land, organized into a constabulary force, are on his track to drag him back to bondage, under this law...

Sir, there is not a man in this body – there is not an intelligent man in the free states – but knows, if he delivers a fugitive in to the custody of his pursuers, that he will be carried to the South and sold to the sugar and cotton plantations. And his life will be sacrificed in five years if employed on the sugar plantations, and in seven years on the cotton plantations. The men of the North, who look upon this as murder, would as soon turn out and cut the throats of the defenseless Negro as to send him back to a land of chains and whips. As soon would they do this as comply with a law which violates every principle of common justice and humanity.

The [common] law, sir, holds him who aids in a murder as guilty as he who strikes the knife to the heart of the victim. Under our law, a man is hanged if he fails to prevent a murder when it is plainly in his power to do so. Such a man is held guilty of the act, and he is hanged accordingly. The man who should assist in the capture of a fugitive would be regarded by us as guilty as he under whose lash the victim expires.

I have compared this capture of a fugitive to a common murder. In doing that, I do injustice to the common murderer. To capture a slave and send him to the South, to die under a torture of five years, is far more criminal than ordinary murder.

Sir, we will not commit this crime. Let me say to the President, no power of government can compel us to involve ourselves in such guilt. No! The freemen of Ohio will never turn out to chase the panting fugitive – they will never be metamorphosed into bloodhounds, to track him to his hiding-place, and seize and drag him out, and deliver him to his tormentors. Rely upon it, they will die first. They may be shot down, the cannon and bayonet and sword may do their work upon them; they may drown the fugitives in their blood, but never will they stoop to such degradation.

Let no man tell me there is no higher law than this fugitive bill. We feel there is a law of right, of justice, of freedom, implanted in the breast of every intelligent human being, that bids him look with scorn upon this libel upon all that is called law.

